

REMARKS

Claims 1-29, 31, 33, 35, 37, 39, 41, and 43 are pending in this application after this Amendment. Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 are independent. Claims 30, 32, 34, 36, 38, 40, 42, and 44 have been canceled without prejudice or disclaimer to the subject matter contained therein. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 29-44 under 35 U.S.C. § 112, second paragraph; rejected claims 1, 5, 7, 15, 17, 19, 22, 23, 29, 30, 35-38, 41, and 42 under 35 U.S.C. § 102(e) as being anticipated by *Tibbs et al.* (U.S. Publication No. 2002/0010689); rejected claims 8, 12, 14, 16, 18, 24, 26-28, 31-34, 39-40, and 43-44 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack et al.* (USP 6,493,724) in view of *Tibbs*; rejected claims 2 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski* (U.S. Publication No. 2002/0004753); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski*, and further in view of *Hudetz et al.* (USP 5,978,773); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Perkowski*, and further in view of *Chu* (USP 6,279,170); rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Hudetz*; rejected claims 9 and 25 under 35 U.S.C. § 103(a) as being

unpatentable over *Cusack* in view of *Tibbs*, and further in view of *Perkowski*; rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs* and *Perkowski*, and further in view of *Hudetz*; rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs* and *Perkowski*, and further in view of *Chu*; rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *Cusack* in view of *Tibbs*, and further in view of *Hudetz*; and rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Tibbs* in view of *Cusack*. Applicant respectfully traverses these rejections.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 29-44 under 35 U.S.C. § 112, second paragraph, asserting the term "proximate" is a relative term which renders the claim indefinite. Specifically, the Examiner asserts that the term "proximate" is not defined by the claim and the specification does not provide a standard for ascertaining the requisite degree where one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. By this Amendment, Applicant has amended claims 29, 31, 33, 35, 37, 39, 41, and 43 to replace the phrase "proximate to" with "on". These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application. Additionally, Applicant has canceled claims 30, 32, 34, 36, 38, 40, 42, and 44 without prejudice or

disclaimer. Based upon these amendments, Applicant respectfully requests the outstanding rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Tibbs* anticipates the present invention, and further asserts that *Tibbs* discloses reading out label information when accessed by the user's terminal with reference to access destination information including a uniform resource locator directly provided on material associated with a commodity, citing to paras. [0034], [0037], [0038], and [0041] ("URL address of webpage containing shipping label"). Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Tibbs* is directed to a method and system for generating and transmitting electronic shipping return labels to allow customers to return goods to a merchant or vendor. *Tibbs* discloses a user accessing a merchant web site and submitting a return request wherein the user notifies the merchant that a customer wishes to return a good. Upon submission and approval of the return request, a merchant server transmits shipping information related to the customer return request to ASP server 130 (para. [0032]). The ASP application uses the shipping information from the merchant and the tracking information from the carrier to generate an electronic return shipping label. In one embodiment, the ASP application creates a web page in HTML format

that displays an electronic image of the return shipping label and assigns the web page a URL address (para. [0034]). The ASP application sends the URL address of the return shipping label web page to the merchant server 110 (para. [0037]). The merchant is responsible for providing the consumer with the URL address of the web page containing the return shipping label (para. [0037]). Alternatively, the ASP application sends an e-mail to the customer that includes the URL address of the web page containing the return shipping label (para. [0038]).

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a label information providing method comprising sending out the label information to a user's terminal when accessed by the user's terminal with reference to access destination information including a uniform resource locator directly provided on material associated with the commodity **whereby the user requires downloading of the label information related to a label affixed to an arbitrary commodity**. *Tibbs* clearly discloses that once a user receives an e-mail including a URL address of a web page, the user, using the URL in the e-mail, may download the return label and then affix the return label to the merchandise for shipping. There is no teaching or suggestion in *Tibbs* that is directed to the user requiring downloading of the label information related to a label affixed to an arbitrary commodity as set forth

in claim 1. *Tibbs* clearly discloses that the label is affixed to the commodity after the label is downloaded.

As *Tibbs* fails to teach or suggest all of the claim elements, it is respectfully submitted that claim 1 is not anticipated by *Tibbs*. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-7 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 15, 17, 19, 29, 35, 37, and 41 include elements similar to those discussed above with regard to claim 1, and thus these claims, together with claims dependent thereon, are not anticipated by *Tibbs*.

Claim Rejections - 35 U.S.C. § 103 - *Cusack/Tibbs*

In support of the Examiner's rejection of claim 8, the Examiner asserts that *Cusack* discloses all of the elements of the claimed invention. The Examiner relies on the disclosure of *Tibbs* to cure the deficiencies of the teachings of *Cusack*, citing to paras. [0034], [0037], [0038], and [0041], while referring to the URL address of the web page containing the shipping label. Applicant disagrees with the Examiner's rejection.

In providing motivation for combining the cited references, the Examiner asserts that one of ordinary skill in the art would have been motivated to modify *Cusack* with the teachings of *Tibbs*

for the purpose of having an improved method and system for handling product returns with the ability to generate and send a return-shipping label to a customer using the Internet, citing to paras. [0002] and [0006] of *Tibbs*. However, the disclosure of *Cusack* is directed to a web-integrated inventory management system and method for gathering and managing a widely distributed inventory of blood, tissue, and other samples for the biomedical research community. At col. 6, lines 53-61, *Cusack* discloses that a buyer receiving a bar coded sample can use the information in the bar code to download the full record associated with the sample from the WIM host site, obviating the need to manually reenter the data into the buyer's computer. The Examiner purports to modify this teaching by including in the bar code a URL to provide the ability to generate and send a return shipping label. However, the shipping label has a completely different purpose from the label that is affixed to the purchased sample. As such, the cited references are not analogous art. Further, there is no motivation to combine the references as asserted by the Examiner. Finally, the resulting combination would still fail to teach or suggest all of the claim elements including access destination including a uniform resource locator directly provided on material associated with a commodity. As claims 31, 33, 39, and 43 contain similar elements, Applicant respectfully submits that these claims are patentable over the art as cited.

Conclusion

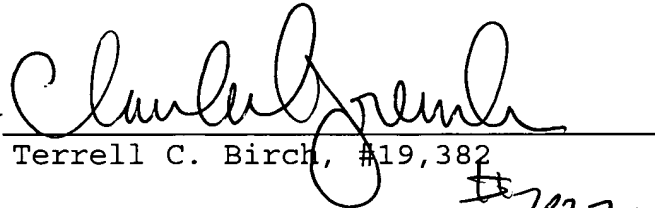
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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